

Appl. No. 10/717, 134  
Amdt. dated October 16, 2006  
Response to June 20, 2006 Restriction Requirement

**REMARKS**

In response to the June 20, 2006 Restriction Requirement, Applicant elects without traverse the subject matter claimed in Group III (claims 9 and 10) for initial substantive examination. Applicant has withdrawn claims 1-8, 11, and 12 without prejudice.

The Restriction Requirement states that claims 9 and 10 are generic to a plurality of patentably distinct species of yeast genera, EMF frequency ranges, and EMF field strength ranges. Applicant has now amended based claim 9 to limit the various claim elements to a single species. Support to these amendments appears in the specification at, e.g., p. 15 and the original claim set. Claim 10 has been cancelled.

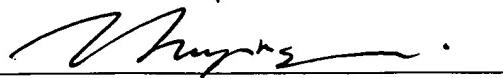
Applicant makes this election expressly without waiver of his right to continue to prosecute and to obtain claims to the non-elected subject matter either in this application or by filing continuing applications claiming priority and benefit from this application.

Applicant submits that the application as amended is in condition for allowance,

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and early, favorable action is solicited.

Respectfully submitted,



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